

Message Text

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FM AMEMBASSY LIMA

TO SECSTATE WASHDC 4198

UNCLAS LIMA 1875

E.O. 11652: NA

TAGS: PINT, PORG, PE

SUBJ: FEBRUARY 5 CIVIL DISORDERS: TERRORISTS TO BE TRIED
BY MILITARY COURTS

REF: LIMA A-11 AND A-29

1. MARCH 5 LIMA PRESS REPORTS THAT SUPREME COURT HAS RESOLVED JURISDICTIONAL QUESTION CONCERNING WHICH COURTS SHOULD TRY 1,000 OR SO CIVILIANS ARRESTED IN CONNECTION WITH FEBRUARY 5 CIVIL DISORDERS IN LIMA. SUPREME COURT DECIDED THAT THOSE ACCUSED OF TERRORISM OR CRIMES AGAINST THE STATE ARE TO BE TRIED BY MILITARY COURTS UNDER DECREE LAW 20828 (REF A), WHICH PROVIDES PENALTIES RANGING FROM 20 YEARS IN JAIL TO EXECUTION. THOSE CHARGED WITH COMMON VANDALISM AND/OR LOOTING ARE TO BE TRIED IN CIVIL COURTS.

2. COMMENT: QUESTION REMAINS AS TO WHICH OF FEBRUARY 5 ACTS WILL BE DEFINED AS POLITICAL CRIMES. CERTAINLY THE DESTRUCTION OF THE CIVIC CENTER, THE MILITARY CLUB AND THE GOVERNMENT-OWNED NEWSPAPER CORREO/OJO COULD BE DESCRIBED AS EITHER VANDALISM OR TERRORISM. THE WAY IS THUS OPEN FOR THE GOP TO DEAL HARSHLY WITH THOSE PERCEIVED AS THE INSTIGATORS OF THE DISTURBANCES, SHOULD THE GOVERNMENT CHOOSE THIS COURSE.
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